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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,449	12/21/2001	Richard A. Mazur	47171-00262USC2	1697

30223 7590 04/09/2002

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EXAMINER

BEAUCHAINE, MARK J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 04/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,449

Applicant(s)

MAZUR ET AL.

Examiner

Mark J. Beauchaine

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 164-261 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 164-261 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Inventorship

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

In view of the 37 CFR 1.63(d)(2) statement and the supplemental declaration filed on 21 December 2001, the inventorship in this nonprovisional application has been changed by the deletion of the following inventors: Matthew L. Anderson, Robert J. Klein and Heinz W. Schreiter. The file jacket and PTO PALM data have been revised to reflect the inventorship as corrected.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 209-216, 218-222, 240-261 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 4,747,492 by Saito et al. Saito discloses a note sorting and counting apparatus comprising a pocket 1, containers S1-S6, conveying belt 6 and discrimination unit 7 which read on Applicant's input receptacles, output receptacles, transport mechanism and discriminating unit (and associated detector), respectively (see Figure 1a). Furthermore, Saito discloses a central processing unit CPU that "operates in accordance with a program stored in a program memory ROM to control the entirety of the note sorting and counting apparatus" (column 5, lines 46 plus) which reads on Applicant's programmed processor of claims 256-261.

Saito fails to disclose the step of stopping the sort operation of the device based specifically on a non-piece count criterion. However, the feature of automatically stopping a bill sorting device is well known in the art. Saito discloses a stop control unit (column 14, lines 39 plus) "for stopping the operation of the draw-out unit when the number of notes discriminated by the discrimination unit has reached a predetermined number." Furthermore, the feature of processing bills based on non-piece count criterion is well known in the art. The discriminating unit 7 of Saito determines whether

a bill is abnormal and routes said bill according to its determined status (column 4, lines 29 plus) to container S7 by operating gate plate GB7. Said routing of abnormal bills provides a practical means of inspection.

It would have been obvious to one of ordinary skill in the art at the time of the invention to configure the stop control unit of Saito based on an abnormal-bill criterion in lieu of a piece-count criterion to provide an effective means of inspecting abnormal bills.

Claims 164-208, 217 and 223-239 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as explained above, and further in view of Patent Number 5,680,472 by Conant. Saito fails to disclose a device that sorts bills at a rate of at least 800 bills a minute. However, conventional bill sorting devices have been capable of such a sort rate that is well known in the art. Conant teaches a currency sorting apparatus having the capacity of processing bills at a "rate of the order of 1,000 per minute or higher with a high reliability" (column 4, lines 11 plus). Thus, the operation of the device disclosed in Saito at such a high rate would have been obvious to one of ordinary skill in the art at the time of the invention.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (703)308-6336. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

mjb
April 4, 2002


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600